



PATENT

#12  
5/5/04  
MLG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Hardy

Docket No.: RIC-01-068 (977-030)

Serial No.: 10/084,013

Art Unit: 2665

Filed: 2/27/2002

Examiner: Ryman, Daniel J.

For: METHOD AND SYSTEM  
FOR DETERMINING DROPPED  
FRAME RATES OVER A  
PACKET SWITCHED  
TRANSPORT

RECEIVED

MAY 04 2004

Technology Center 2600

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to Mail Stop: Notice of Appeal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 27, 2004.

Kathryn A. Watson  
Kathryn A. Watson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)**

*NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).*

*NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).*

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed 1/27/2004, finally rejecting claims 1-4 and 7-38.

**1. STATUS OF APPLICANT**

This application is on behalf of:

- other than a small entity.  
 a small entity.

A statement:

- is attached.  
 was already filed on March 29, 2004.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- |   |          |
|---|----------|
| <input type="checkbox"/> small entity                       | \$160.00 |
| <input checked="" type="checkbox"/> other than small entity | \$330.00 |

Notice of Appeal Fee Due: \$330.00

**3. EXTENSION OF TERM**

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 C.F.R. 1.136 [fees: 37 C.F.R. 1.17(a)(1)-(4)] for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> One month	\$110.00	\$ 55.00
<input type="checkbox"/> Two months	\$420.00	\$210.00
<input type="checkbox"/> Three months	\$950.00	\$475.00
<input type="checkbox"/> Four months	\$1,480.00	\$740.00

**Fee: \$0**

If an additional extension of time is required, please consider this a petition therefore.

*(check and complete the next item, if applicable)*

- (a)  An extension for one month has already been secured, and the fee paid therefore of \$110.00 is deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request: \$0**

or

- (b)  Applicant believes that no extension of term is required. However, this

conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal Fee:	<u>\$330.00</u>
Extension fee (if any)	<u>\$0</u>

**TOTAL FEE DUE: \$330.00**

#### 5. FEE PAYMENT

- Attached is a check in the amount of \$0.00
- Charge Account No. 13-2491 the sum of \$330.00

#### 6. FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

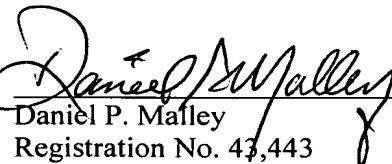
- If any additional extension and/or fee is required, this is a request therefore and authorization is hereby given to charge Account No. 13-2491.

AND/OR

- If any additional fee for claims is required, authorization is hereby given to charge Account No. 13-2491.

Respectfully submitted,

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